

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

SECURITY BUILDING MIAMI, LLC,)
)
Plaintiff,) CIVIL ACTION NO.:
) _____
v.)
) 11th Judicial Circuit
SOMPO AMERICA INSURANCE) Civil Action File No.:
COMPANY,) 2022-008914-CA-01
)
Defendant.)

NOTICE OF REMOVAL

Defendant, Sompo America Insurance Company (“Sompo” or “Defendant”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 remove the action styled *Security Building Miami, LLC v. Sompo America Insurance Company*, Civil Action File No. 2022-008914-CA-01 (the “State Court Action”) pending in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida, and as grounds therefore states:

I.
THE STATE COURT NOTICE

1. On May 18, 2022, Plaintiff, Security Building Miami, LLC filed a Complaint against Defendant in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2022-008914-CA-01 (the “State Court Action”) seeking to recover insurance benefits under commercial property insurance policy number FTMS1037L0, effective November 1, 2020 to November 1, 2021 (the “Policy”) issued by Defendant, for damage purportedly sustained at 117 NE 1st Avenue, Miami, Florida 33132 or about May 15, 2021.

2. A copy of Plaintiff’s Complaint was served on Defendant on June 13, 2022.

3. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders filed in the State Court Action are attached hereto as **Composite Exhibit "A"**.

4. At all times material, including at the time the case was filed and at the time of removal, Plaintiff is and has been a Delaware Limited Liability Corporation whose principal place of business is in Ft. Lauderdale, Florida. Likewise, Plaintiff's sole member, Jonathan K. Winer is a resident of the State of Florida. Plaintiff is therefore a citizen of the State of Florida for jurisdictional purposes. *See* Complaint at ¶ 2, **Composite Exhibit "A"**.

5. Furthermore, the State Court Action concerns real property located in Miami-Dade County, Florida. *See* Complaint at ¶ 3. **Composite Exhibit "A"**.

6. At all times material, including at the time the case was filed and at the time of removal, Sompo is an insurance carrier organized under the laws of the State of New York, with its principal place of business located in New York. Sompo is therefore a citizen of New York for jurisdictional purposes.

7. The amount in controversy in this action, exclusive of interest and costs, exceeds the jurisdictional amount of \$75,000, as set forth in 28 U.S.C. §1332.

II.
NOTICE OF REMOVAL IS TIMELY FILED

8. Removal is appropriate upon a showing that there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorney's fees. 28 U.S.C. § 1332.

9. The Complaint alleges that the amount in controversy is within the jurisdictional threshold for the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. However, prior to filing suit, on May 2, 2022, Plaintiffs executed a Sworn Statement in

Proof of Loss (“SPOL”), attesting that the amount of damages related to the subject loss is \$11,183,410.72.¹ A true and correct copy of the SPOL is attached hereto as **Exhibit “B”**.

10. The notice of removal *may* be filed within 30 days after the defendant received an initial pleading. 28 U.S.C. § 1446 (b).

11. Thirty (30) days have not elapsed since Defendant was served and therefore, this removal is timely.

III. REMOVAL IS PROPER

12. Sompo is a citizen of New York.

13. Plaintiff is a citizen of Florida.

14. There is complete diversity of citizenship, and there has been at all times from the date the Complaint was filed through the present date. By filing this Notice of Removal, Defendant consents to the removal of this action from State to Federal Court.

15. Where removal is sought on the basis of jurisdiction conferred by 28 U.S.C § 1332, the amount in controversy is the sum identified in the initial pleading, except where the state practice permits recovery of damages in excess of the amount demanded. 28 U.S.C. § 1446 (c)(2)(A).

16. While the Complaint alleges that the amount in controversy is within the jurisdictional threshold for the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, the Plaintiff’s SPOL, dated May 2, 2022, claims that the amount of damages related to the subject loss is \$11,183,410.72. Therefore, the damages claimed by Plaintiff are well in excess of the \$75,000.00 jurisdictional threshold, exclusive of interest and costs.

¹ “If the jurisdictional amount is not facially apparent from the complaint, the court should look to the notice of removal and may require evidence relevant to the amount in controversy at the time the case was removed.” *Williams v. Best Buy Co., Inc.*, 269 F.3d.1316, 1319 (11th Cir. 2001).

17. This Notice of Removal is filed within 30 days of June 13, 2021, the date when Sompo received notice of service of the State Court Action, and is therefore timely. 28 U.S.C. § 1446 (c).

18. As the Notice of Removal was filed within 30 days, involves a controversy in excess of \$75,000.00, and complete diversity of citizenship of the parties, removal is proper.

19. Pursuant to 28 U.S.C. § 1446 (d), written notice of the removal of this action will be promptly served on the Plaintiff's counsel, and a Notice of Filing Notice of Removal is simultaneously being filed with the Clerk of the Circuit Court in and for Miami-Dade County, Florida.

III. JURY DEMAND

19. Plaintiffs demanded a jury trial in the State Court Action.

WHEREFORE, Sompo International Insurance Company, respectfully requests this Court to remove the State Court Action pending against it in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

Respectfully submitted this 12th day of July, 2022.

ZELLE LLP
Counsel for Defendant
SunTrust International Center
One Southeast Third Avenue, Ste. 1600
Miami, Florida 33131-4332
Tel: 786-693-2350
Fax: 612-336-9100

By: /s/ Christine M. Renella
CHRISTINE M. RENELLA
Florida Bar No. 65485
crenella@zellelaw.com
J.C. QUINTANA
Florida Bar No.: 115572
jquintana@zellelaw.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Removal was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send notification of such filing to all attorneys of record:

Shamieka Caroline Joy Donawa
Brandon Arrow
Florida Professional Law Group, PLLC
4600 Sheridan St., Suite 303
Hollywood, FL 33021
eservice@flplg.com
cdonawa@flplg.com

This 12th day of July, 2022.

ZELLE LLP
Counsel for Defendant
SunTrust International Center
One Southeast Third Avenue, Ste. 1600
Miami, Florida 33131-4332
Tel: 786-693-2350
Fax: 612-336-9100

By: /s/ Christine M. Renella
CHRISTINE M. RENELLA
Florida Bar No. 65485
crenella@zellelaw.com
J.C. QUINTANA
Florida Bar No.: 115572
jquintana@zellelaw.com

JS 44 (Rev. 04/21) **CIVIL COVER SHEET**
 The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SECURITY BUILDING MIAMI, LLC

(b) County of Residence of First Listed Plaintiff Broward
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Shamieka Caroline, Esq., Joy Donawa, Esq., Brandon Arrow, Esq.,
 Florida Professional Law Group, PLLC, 4600 Sheridan St., Suite 303
 Hollywood, FL 33021, eservice@flplg.com; cdonawa@flplg.com

DEFENDANTSSOMPO AMERICA INSURANCE
 COMPANY

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
 THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
 Christine M. Renella, Esq. & J.C. Quintana, Esq. ZELLE LLP, 1 SE 3 Ave, Suite
 1600, Miami, FL 33131 Tel: 786-693-2350
 crenella@zelle.com and jqquintana@zelle.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input checked="" type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	PERSONAL PROPERTY	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	HABEAS CORPUS:	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	OTHER:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	IMMIGRATION	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 896 Arbitration

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1332

VI. CAUSE OF ACTION

Brief description of cause:
 Complete Diversity; Breach of Contract

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
 UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE July 12, 2022

SIGNATURE OF ATTORNEY OR RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.